

Application Serial No: 10/519,881

In response to the Office Action mailed on: July 16, 2009

REMARKS

This Amendment is in response to the Office Action mailed on July 16, 2009. Claims 15 and 21 are amended and are supported, for example, in the specification on page 16, line 25-page 18, line 20 and in Figures 11-14. Claims 16-20 are cancelled without prejudice or disclaimer. No new matter is added. Claims 15 and 21-26 are pending.

§112, Second Paragraph:

Claims 21-26 are rejected as being indefinite. Claim 21 is amended editorially in order to clarify that the lancet holder is reciprocally movable along a longitudinal axis of the housing. Withdrawal of this rejection is requested.

§102 Rejections:

Claims 15 and 21-24 are rejected as being anticipated by Thorley (US Patent No. 7,500,967). This rejection is traversed.

Claim 15 is directed to a cam mechanism for rotating a lancet relative to a cap that covers a lancing element of the lancet that recites, among other features, a movable member contained in the housing for moving reciprocally in first and second directions parallel to a longitudinal axis of the housing, the movable member holding the lancet and configured to allow the lancet to rotate relative to the cap that covers the lancing element of the lancet.

Thorley does not disclose or suggest these features. Thorley interprets the plunger 115 as the movable member of claim 15. However, nowhere does Thorley disclose or suggest that the plunger 115 is configured so as to allow a lancet to rotate. Also, nowhere does Thorley disclose or suggest a cap that covers a lancing element of a lancet (see Figures 1, 11A-11 and 12 of Thorley). Thus, Thorley cannot disclose or suggest that the plunger 115 is configured to allow the lancet to rotate relative to a cap that covers the lancing element of the lancet. Thus, Thorley does not disclose or suggest the moveable member of claim 15.

For at least these reasons claim 15 is not disclosed by Thorley and should be allowed.

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Claim 21 is directed to a lancing device that recites, among other features, a lancet holder that holds a lancing element covered by a cap. Claim 21 also recites a cam mechanism for converting a retracting movement of the lancet holder along the longitudinal axis of the housing into rotation of the lancet holder and the lancet relative to the cap.

Thorley does not disclose or suggest these features. Thorley merely discloses a syringe 10 with a needle 13 that has no cap (see Figures 1, 11A-11 and 12 of Thorley). As Thorley does not disclose or suggest a lancing element covered by a cap, Thorley cannot disclose or suggest a lancet holder that holds a lancing element covered by a cap, as recited in claim 21. Thorley also cannot disclose or suggest a cam mechanism for converting a retracting movement of the lancet holder along the longitudinal axis of the housing into rotation of the lancet holder and the lancet relative to the cap, as recited in claim 21.

Also, the rejection interprets the first slot 116 and the deviation 123 of Thorley as the moving mechanism and the cam mechanism of claim 21. However, nowhere does Thorley disclose or suggest that the first slot 116 is a mechanism used for advancing a lancet holder along the longitudinal axis of a housing, as recited in claim 21 (see column 4, line 27-column 5, line 31 and Figures 2 and 3 of Thorley). Also, nowhere does Thorley disclose or suggest that the deviation 123 is a mechanism used for converting a retracting movement of the lancet holder along the longitudinal axis of the housing into rotation of the lancet holder and the lancet relative to the cap, as recited in claim 21 (see column 4, line 27-column 5, line 31 and Figures 2 and 3 of Thorley).

For at least these reasons claim 21 is not disclosed by Thorley and should be allowed. Claims 22-24 depend from claim 21 and should be allowed for at least the same reasons.

§103 Rejections:

Claims 25 and 26 are rejected as being unpatentable over Thorley in view of McAleer (US Patent No. 5,989,917). This rejection is traversed. Claims 25 and 26 depend from claim 21 and should be allowed for at least the same reasons discussed above. Applicants do not concede the correctness of this rejection.

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Conclusion:

Applicants respectfully assert that the pending claims are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.

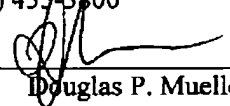


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Respectfully submitted,

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